

Remarks/Arguments:

Applicants wish to thank Primary Examiner Mark L. Berch for the courteous consideration rendered applicants' representative during telephone interviews conducted on 13 October 2004 ("the 13 October interview") and 15 October 2004 ("the 15 October interview").

The substance of the 13 October interview concerned the issues raised in the Advisory Action and possible claim amendments for resolving these issues. Examiner Berch kindly agreed to consider proposed amended claims – to be sent by facsimile – and discuss the merits of the proposed amendments with applicants' representative. As agreed, proposed amendments to the claims were faxed to the examiner on 13 October 2004.

The substance of the 15 October interview involved discussions in connection with the proposed amendments faxed to the examiner on 13 October 2004. Pursuant to these discussions, changes to the proposed claim amendments were suggested that would place the proposed claims (as changed) in a form that would be favorably considered by the examiner – if officially submitted – in connection with the issues raised in the Advisory Action. The claims as amended, hereby, reflect the form, which the examiner had indicated would be favorably considered.

Accordingly, previously presented claims 20-24, with claims 20, 22, and 23 amended hereby, are pending.

The amendments to claims 20, 22, and 23, effected hereby, are detailed in the following remarks, addressing the issues raised in the Advisory Action.

Entry of the instant amendment after final rejection is in order, as it places the claims in immediate form for allowance, without requiring further search or consideration by the examiner.

As set forth in the Advisory Action, the amendment filed September 20, 2004, was not entered for allegedly raising new issues requiring further consideration and/or search and, so, the objections to claims 22 and 23, and the rejection of claims 20, 21 and 24 under 35 USC 112, first paragraph, for allegedly failing to comply with the written description requirement, were maintained. Additionally, the Advisory Action enumerated *three problems* in connection with the changes to the claims presented in the previously filed amendment. Pursuant to the aforesaid interviews with the examiner, the claims as presently amended resolve these problems and, thereby render the claims in immediate form for allowance, i.e.:

1. The word "and," inserted by the previous amendment into the definition of " CO_2R_3 " found in claim 20, is deleted.
2. The phrase "which may be substituted," which was inserted at the end of the " CO_2R_3 " definition is deleted and, instead, the phrase "substituted or unsubstituted" is inserted – effecting, as rewritten, "wherein CO_2R_3 is an esterified carboxyl group, selected from the group consisting of, substituted or unsubstituted, tri-substituted silyl carboxyl ester . . ." – support for which insertion is found in the specification, specifically, at page 14, lines 35-36.
3. Each of claims 20 and 23 is amended to recite (as rewritten) "a malonic acid ~~ester~~ diester, a two-alkyl malonic acid ~~ester~~ diester, a two-halogenated malonic acid ~~ester~~ diester," which, according to the Advisory Action, resolves the issue.

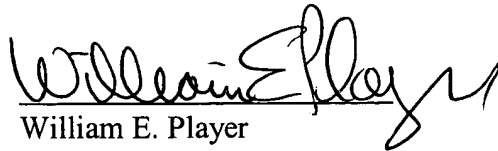
In view of the foregoing amendments to the claims and corresponding remarks, the subject application appears in immediate form for allowance.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

A handwritten signature in black ink, appearing to read "William E. Player", written over a horizontal line.

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